

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN SOCIETY FOR TESTING AND
MATERIALS d/b/a/ ASTM INTERNATIONAL;

NATIONAL FIRE PROTECTION
ASSOCIATION, INC.; and

AMERICAN SOCIETY OF HEATING,
REFRIGERATING, AND AIR-CONDITIONING
ENGINEERS, INC.

Plaintiffs,

v.

PUBLIC.RESOURCE.ORG, INC.,

Defendant.

PUBLIC.RESOURCE.ORG, INC.,

Counterclaimant,

v.

AMERICAN SOCIETY FOR TESTING AND
MATERIALS d/b/a/ ASTM INTERNATIONAL;

NATIONAL FIRE PROTECTION
ASSOCIATION, INC.; and

AMERICAN SOCIETY OF HEATING,
REFRIGERATING, AND AIR-CONDITIONING
ENGINEERS, INC.

Counterdefendants.

Case No. 1:13-cv-01215-TSC-DAR

**DECLARATION OF M. ANDREW
ZEE IN SUPPORT OF PLAINTIFF-
COUNTERDEFENDANT THE
AMERICAN SOCIETY OF HEATING,
REFRIGERATING, AND AIR-
CONDITIONING ENGINEERS,
INC.'S OPPOSITION TO
DEFENDANT-COUNTERCLAIMANT
PUBLIC.RESOURCE.ORG, INC.'S
MOTION TO COMPEL DISCOVERY**

Filed: August 6, 2013

DECLARATION OF M. ANDREW ZEE

I, M. Andrew Zee, declare as follows:

1. I am an attorney at the law firm of King & Spalding LLP, and am enrolled as counsel for Plaintiff American Society of Heating, Refrigerating, and Air Conditioning Engineers (“ASHRAE”) in this action. I was granted leave to appear *pro hac vice* in this matter on September 18, 2014. I have personal knowledge of the facts set forth herein and could and would testify competently thereto if called as a witness.

2. On behalf of ASHRAE and the other two Plaintiffs in this action, I sent an email to counsel for Defendant Public.Resource.Org, Inc. (“Public Resource”) on September 29, 2014 requesting that Public Resource withdraw its motion to compel because it had not complied with Local Rule 7(m). Counsel for Public Resource responded by email later that day. On September 30, 2014, I exchanged two additional emails with counsel for Public Resource. Attached hereto as **Exhibit 1** is a true and correct copy of these four emails.

3. Attached hereto as **Exhibit 2** is a true and correct copy of ASHRAE’s Answers and Objections to Defendant-Counterclaimant Public.Resource.Org, Inc.’s First Set of Interrogatories (Nos. ASHRAE-1 through ASHRAE-7).

4. I participated in a telephone conference on May 7, 2014, during which counsel for the parties discussed various issues relating to their discovery responses and objections. Since May 2014, counsel for the parties have held additional telephone conferences to discuss Plaintiffs’ motion for protective order and motion to strike jury demand, and Public Resource’s motion to extend discovery and case schedule. At no time during any of these telephone conferences did Public Resource indicate that it would be filing a motion to compel discovery or otherwise discuss such a motion.

5. To date, Public Resource has sent two letters to ASHRAE to address Public Resource's and ASHRAE's respective positions on a variety of discovery issues. *See* Lu Decl., Exs. 7, 9. In neither of these letters did Public Resource indicate that it would be filing a motion to compel discovery or otherwise discuss such a motion.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 2nd day of October, 2014 at San Francisco, CA.


M. Andrew Zee